

The Law Amending the Narcotic Drugs and Psychotropic Substances Law

(The Pyidaungsu Hluttaw Law No. 6, 2018)

The 14th Waxing of Tabodwe, 1379 M.E.

(14 February, 2018)

The Pyidaungsu Hluttaw hereby enacts this Law.

1. This Law shall be called **the Law Amending the Narcotic Drugs and Psychotropic Substances Law**.
2. The expression “The Ministry of Health” contained in the Narcotic Drugs and Psychotropic Substances Law shall be substituted by the expression “The Ministry of Health and Sports”.
3. In section 2 of the Narcotic Drugs and Psychotropic Substances Law:
 - (a) Sub-section (c) shall be substituted as follows:

“(c) **Production** means step by step production designed to transform into a narcotic drug or psychotropic substance or modifying or formulating the substance so produced by a mixture of chemical or any other type of substance.”
 - (b) After sub-section (f), sub-sections (g) and (h) shall be inserted as follows:

“(g) **Union Government** means the Union Government of the Republic of the Union of Myanmar.

(h) **carrying out community service** means carrying out works that are beneficial to the public such as planting trees and flowers, cleaning work, repairing roads and bridges in public areas and carrying out welfare work in cooperation with social groups without any payment, before a supervisor in accordance with the punishment specified in the court order, by offenders themselves in uniform.”
4. In section 3 of the Narcotic Drugs and Psychotropic Substances Law:
 - (a) sub-sections (b) and (e) shall be substituted as follows:

“(b) to implement the provisions of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed by Myanmar;

(e) to cooperate with other countries, member states of the United Nations, international organizations, regional organizations, local non-governmental organizations, and the public in order to prevent the use, sale, transport and production of narcotic drugs and psychotropic substances through establishing a

domestic framework in accordance with the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;”

(b) After sub-section (e), sub-sections (f) and (g) shall be inserted as follows:

“(f) to accelerate prevention and eradication of the narcotic drugs and psychotropic substances with a great effort through the process of regional and international cooperation.

(g) to solve socioeconomic problems of narcotic drugs and psychotropic substances resulting from illicit cultivation, production and sale of narcotic drugs and psychotropic substances by cultivating substitute crops, by establishing and implementing narcotic drugs control policies, sustainable development programmes, short-term and long-term plans and goals.”

5. Sub-section (a) of section 5 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted as follows:

“(a) it shall consist of the Union Minister of the Ministry of Home Affairs as the Chairperson and persons from relevant ministries, government departments and government organizations, and experts as the members.”

6. In section 6 of the Narcotic Drugs and Psychotropic Substances Law:

(a) sub-sections (a), (e) and (f) shall be substituted as follows:

“(a) laying down policies with respect to the prevention of the danger of narcotic drugs and psychotropic substances and coordinating with the Union Level Organizations and Ministries, the Region or State Governments, the Nay Pyi Taw Council, Leading Bodies of the Self-Administered Division or the Self-Administered Zones and Non-governmental Organizations;

(e) establishing and implementing programmes with respect to medical treatments of drug users, imparting knowledge and educating them the consequences of harmful drugs after making drug users list, and reducing the danger of the use of narcotic drugs and psychotropic substances.

(f) motivating, counselling, rehabilitating mental and physical conditions of, providing suitable assistance and vocational trainings for drug users in order to resume their normal lives by establishing plans with respect to rehabilitation of drug users.”

(b) sub-sections (i) and (j) shall be deleted.

(c) After sub-section (o), sub-sections (p), (q), (r), (s), (t) and (u) shall be inserted as follows:

- “(p) transfer of the offender in accordance with the Extradition Law, in case of an offender involved in the production, possession, transport, distribution and sale of narcotic drugs and psychotropic substance is to be transferred between Myanmar and other foreign countries;
- (q) supervising and instructing to implement the works of imparting knowledge relating to the harmful effects of using narcotic drugs and psychotropic substances to the public effectively;
- (r) supervising prevention process of the dangers of narcotic drugs and psychotropic substances by opening vocational training, by building capacity for health and social wellbeing development, and by encouraging for cooperation with civil society organizations;
- (s) supervising and instructing to give awareness widely on the harmful effects of using narcotic drugs and psychotropic substances to students and workers both inside and outside schools and workplaces as well, through social media and other media;
- (t) supervising and instructing the persons responsible for public health, education, and law enforcement to cooperate in the preventive measures of the dangers of narcotic drugs and psychotropic substances effectively and efficiently;
- (u) reporting the performances with respect to the prevention of the dangers of the narcotic drugs and psychotropic substances to the public at least once a year.”

7. Sub-sections (a), (b), (i) and (k) of section 7 of the Narcotic Drugs and Psychotropic Substances Law, shall be substituted as follows:

- (a) Law Enforcement and Administration Sector;
- (b) Alternative Development Administration Sector;
- (i) Control Precursor Chemical Supervision Sector;
- (k) Community Service Supervision Sector.”

8. The expression “State/ Divisional” contained in sub-section (a) of section 8 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted by the expression “Region or State, the Union Territory, Self-Administered Division or Self-Administered Zone.”

9. The title of Chapter 5 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted as follows:

“Medical Treatment and Rehabilitation of Drug Users”

10. In section 9 of the Narcotic Drugs and Psychotropic Substances Law:

(a) Sub-sections (a) and (b) shall be substituted as follows:

“(a) A drug user shall take medical treatment at the department or centre prescribed by the Ministry of Health and Sports, or at the medical department or centre recognized by the government for this purpose.

(b) The Ministry of Health and Sports shall take necessary measures to give medical treatment to drug users and to transfer them to the rehabilitation centre after taking medical treatment.”

(b) The expression “registered” contained in sub-section (c) shall be deleted.

(c) After sub-section (c), sub-sections (d), (e), (f), (g), (h) and (i) shall be inserted as follows:

“(d) A member of the Police Force shall promptly send a person, who is suspected of using drug in order to take preliminary medical check-up and to take medical treatment if he is a drug user, to a department or centre prescribed by the Ministry of Health and Sports or the nearest medical department or centre recognized by the Government.

(e) The relevant police officer shall apply to the relevant court in order to pass an order to execute a bond against a person who fails to take a preliminary medical check-up and treatment after examining him, if necessary.

(f) The court may pass an order to execute a bond against a person who has been applied under sub-section (e), to take medical check-up and treatment, in accordance with the stipulations.

(g) If the drug user does not execute a bond in accordance with the order passed by sub-section (f) or he breaks any condition contained in the bond, the court shall pass an order to send him for six months to the relevant health care centre or rehabilitation centre opened for this purpose in order to take medical treatment and to be rehabilitated.

(h) The Ministry of Health and Sports shall be responsible for providing necessary medical treatment for drug users who are sent to the healthcare center or rehabilitation centre during the period of rehabilitation.

(i) Any person may give information with respect to a drug user or a person suspected of using drug to the Myanmar police force.”

11. Section 10 of the Narcotic Drugs and Psychotropic Substances Law shall be deleted.

12. The expression “the rehabilitation and aftercare of drug users” contained in the introduction of section 11 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted by the expression “care and rehabilitation of drug users.”

13. The expression “as may be necessary” contained in sub-section (a) of section 11 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted by the expression “as much as possible.”

14. After section 11 of the Narcotic Drugs and Psychotropic Substances Law, sub-section 11 A shall be inserted as follows:

“11 A. The Ministry of Home Affairs, the Ministry of Health and Sports, and the Ministry of Social Welfare, Relief and Resettlement which are responsible for implementation of the provisions of this Law, shall consider to comply with the objectives and provisions of the existing laws and of United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed by Myanmar when carrying out the process of protection, care, and rehabilitation of and treatment for drug users and reintegration them into the community.”

15. Section 12 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted as follows:

“12. The Ministry of Home Affairs and the Ministry of Social Welfare, Relief and Resettlement shall, if necessary, send the drug users who is ordered to serve community services under section 15 to a rehabilitation centre or provide them with vocational trainings in accordance with the stipulations.”

16. After sub-section (d) of section 13 of the Narcotic Drugs and Psychotropic Substances Law, sub-section (e) shall be inserted as follows:

“(e) inspecting and making copies of records relating to the offence from the communication services.”

17. After section 14 of the Narcotic Drugs and Psychotropic Substances Law, section 14-A shall be inserted as follows:

“14-A. Notwithstanding anything contained in any existing law, persons in authority from communication services shall permit inspecting and making copies of records relating

to the offence when they receive the order issued by the Central Body with respect to information records relating to the offence.”

18. After Chapter VII of the Narcotic Drugs and Psychotropic Substances Law, Chapter VII-A, the Title of the Chapter, and section 15 shall be inserted as follows:

“Chapter VII-A

Carrying out Community Services

15. If drug users who have been sent to a healthcare centre or rehabilitation centre are guilty of breaking prescribed instructions and disciplines issued by that centre opened for this purpose under sub-section (g) of section 9, they shall, on conviction, carry out works that are beneficial to the public such as planting trees and flowers, cleaning work, repairing roads and bridges, and carrying out welfare work in cooperation with social groups, without any payment, before a supervisor, wearing a uniform which is not meant to be any oppression or discrimination. Working hour shall be two hours per day for a period which may extend from a minimum of 240 hours to a maximum of 360 hours.”
19. Section 15 contained in Chapter VIII, Offences and Penalties, of the Narcotic Drugs and Psychotropic Substances Law shall be deleted.
20. Sub-section (b) of section 16 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted as follows:
- “(b) possession, transport, distribution or sale, without permission by this Law, of precursors which are announced to be substances or of related materials used in the production of narcotic drugs and psychotropic substances by notification of the Ministry.”
21. After section 17 of the Narcotic Drugs and Psychotropic Substances Law, section 17-A shall be inserted as follows:
- “17-A. If a person in authority from the communication services who is guilty of refusing to permit inspecting and making copies of, or destroying, changing or revising information records relating to the offence after receiving the order issued by the Central Body, or giving or transferring such information records without the permission of the Central Body, shall, on conviction, be punished with imprisonment for a term which may extend from a minimum of three years to a maximum of five years and also be liable to a fine.”

22. The expression “for the same offence” contained in section 23 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted by the expression “for any offence prescribed in sections 16 to section 21.”
23. Sub-section (a) of section 25 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted as follows:
- “(a) The person who habitually commits or is notorious of committing any offence contained in this Law other than section 15, shall execute a good behavior bond for a period not exceeding three years.”
24. After Chapter VIII of the Narcotic Drugs and Psychotropic Substances Law, Chapter VIII-A, the title, section 25-A, section 25-B and section 25-C shall be inserted as follows:

“Chapter VIII-A

Establishing, Maintaining and Managing of Fund

- 25-A. To carry out the works on prevention of the danger of narcotic drugs and psychotropic substances, the Central Body may:
- (a) establish a fund with money allocated from the Union Budget, and money donated by the United Nations organizations, international organizations, regional organizations, and internal or international donors.
 - (b) receive and manage the things provided by the State, and donated by the United Nations Organizations, International Organizations, Regional Organizations, and internal or international donors in accordance with the procedures.
- 25-B. The Central Body shall:
- (a) prescribe the procedures for the maintenance of the fund other than the fund allowed under the Union Budget, and for management of the things donated by donors, in coordinating with the Office of the Auditor General of the Union.
 - (b) prepare accounts for the fund in sub-section (a) in accordance with the financial procedures, and have the accounts audited by the Office of the Auditor General of the Union.
- 25-C. (a) If money, immovable properties or movable properties which are related to the offence are confiscated under sub-sections (a) and (b) of section 24, it shall be deposited to the Union Budget.

(b) The Central Body may, with the approval of the Union Government, use a ratio of percentage of the fund deposited under sub-section (a), for the process of the prevention and combating of narcotic drugs and psychotropic substances.”

25. In section 26 of the Narcotic Drugs and Psychotropic Substances Law:

(a) Sub-section (c) shall be deleted.

(b) Sub-sections (d) and (f) shall be substituted as follows:

“(d) total of two types of narcotic drugs contained in sub-sections (a) and (b) - three grammes;

(f) in the case of cannabis or essence of cannabis or total of the two - one hundred grammes;”

(c) The following shall be substituted after sub-section (h) as follows:

“(h-1) in the case of amphetamine type stimulant, ATS - three grammes

(h-2) in the case of methamphetamine hydrochloride (ice) - three grammes

(h-3) in the case of ephedrine or pseudoephedrine - three grammes;”

26. Section 27 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted as follows:

“27. The Ministry of Home Affairs shall carry out the office works of the Central Body.”

27. Section 30 of the Narcotic Drugs and Psychotropic Substances Law shall be substituted as follows:

“30. In implementing the provisions of this Law:

(a) The Ministry of Home Affairs may, with the approval of the Union Government, issue rules, and regulations and bye-laws.

(b) The Central Body and the Ministries concerned may issue notifications, orders, directives, and procedures.”

I hereby sign in accordance with the Constitution of the Republic of the Union of Myanmar.

(Sd) Htin Kyaw

The President of the Union

The Republic of the Union of Myanmar